

ORDER E-FILED 6/12/2009

MELINDA HAAG (SBN 132612)
mhaag@orrick.com
JAMES A. MEYERS (ADMITTED *PRO HAC VICE*)
jmeyers@orrick.com
JAMES N. KRAMER (SBN 154709)
jkramer@orrick.com
NANCY E. HARRIS (SBN 197042)
nharris@orrick.com
REBECCA F. LUBENS (SBN 240683)
rlubens@orrick.com
SHANEEDA JAFFER (SBN 253449)
sjaffer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759

Attorneys for Defendant
Lisa C. Berry

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

LISA C. BERRY,

Defendant.

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

KENNETH L. SCHROEDER,

Defendant.

Case No. C 07 4431 (RMW) (HRL)

**STIPULATION AND ~~PROPOSED~~
ORDER FOR SHORTENED TIME
FOR HEARING LISA C. BERRY'S
MOTION FOR PROTECTIVE
ORDER**

Civil L. R. 6-1(a)

Magistrate Judge Howard R. Lloyd

Date: July 14, 2009

Time: 10:00 AM

Case No. C 07 3798 (JW) (HRL)

STIPULATION

WHEREAS, on May 21, 2009, Kenneth L. Schroeder served on Lisa C. Berry a Fed. R. Civ. P. Rule 45 subpoena for her deposition on September 9, 2009 and September 10, 2009 in *SEC v. Schroeder*, Case No. 07-3798 (JW) (HRL) ("Schroeder Action");

WHEREAS, on May 28, 2009, Plaintiff Securities and Exchange Commission ("SEC") noticed the deposition of Defendant Lisa C. Berry for June 18, 2009 and June 19, 2009 in *SEC v. Berry*, Case No. 07-4431 (RMW) (HRL) ("Berry Action");

WHEREAS, counsel for Ms. Berry has met and conferred with counsel for Mr. Schroeder and the SEC regarding her objections to the timing of both of the aforementioned depositions;

WHEREAS, counsel for Ms. Berry has also met and conferred with counsel for Mr. Schroeder and the SEC regarding her request that her deposition and depositions of third party witnesses currently or formerly employed at KLA-Tencor Corporation to be conducted in both of the above-captioned cases be held jointly;

WHEREAS, Ms. Berry intends to file a motion in the Berry and Schroeder Actions for a protective order concerning the SEC's deposition notice and Mr. Schroeder's deposition subpoena. Ms. Berry also intends to ask that her deposition and the depositions of third party witnesses currently or formerly employed at KLA-Tencor Corporation to be conducted in both of the above-captioned cases be held jointly;

WHEREAS, Ms. Berry, Mr. Schroeder, and the SEC agree, subject to the Court's approval, that the hearing on Ms. Berry's motion should take place on July 14, 2009;

WHEREAS, the SEC accordingly intends to re-notice Ms. Berry's deposition for July 22, 2009 and July 23, 2009;

WHEREAS, Ms. Berry, the SEC and Mr. Schroeder seek an expedited hearing for her motion for protective order;

WHEREAS, Ms. Berry, the SEC and Mr. Schroeder have agreed to an expedited briefing schedule for Ms. Berry's motion for protective order whereby Ms. Berry shall file and serve her motion no later than June 16, 2009, the SEC and Mr. Schroeder shall file and serve their respective responses no later than June 23, 2009, and Ms. Berry shall file and serve her reply on

June 30, 2009;

NOW THEREFORE, the parties hereby stipulate, and request that the Court order, as follows:

1. Ms. Berry shall file and serve her motion for a protective order and other relief no later than June 16, 2009.
2. The SEC and Mr. Schroeder shall file and serve their respective responses no later than June 23, 2009;
3. Ms. Berry shall file and serve her reply no later than June 30, 2009; and
4. The Court will hear oral argument on July 14, 2009 or at its earliest convenience.

IT IS SO STIPULATED.

Dated: June 11, 2009

MELINDA HAAG
JAMES A. MEYERS
JAMES N. KRAMER
NANCY E. HARRIS
REBECCA F. LUBENS
SHANEEDA JAFFER
Orrick, Herrington & Sutcliffe LLP

/s/ Melinda Haag

MELINDA HAAG
Attorneys for Defendant
Lisa C. Berry

Dated: June 11, 2009

MARC J. FAGEL
SUSAN F. LA MARCA
MARK P. FICKES
JEREMY E. PENDREY
ELENA RO
Securities and Exchange Commission

/s/ Susan F. La Marca

SUSAN F. LA MARCA
Attorneys for Plaintiff
Securities and Exchange Commission

1 Dated: June 11, 2009

SHIRLI F. WEISS
DAVID A. PRIEBE
JEFFREY B. COOPERSMITH
DLA Piper LLP

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5 /s/ Shirli F. Weiss

SHIRLI F. WEISS
Attorneys for Defendant
Kenneth L. Schroeder

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8 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

9 I, Rebecca Lubens, attest that concurrence in the filing of this document has been obtained
10 from all signatories.

11 Dated: June 11, 2009

REBECCA F. LUBENS
Orrick, Herrington & Sutcliffe LLP

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13 /s/ Rebecca F. Lubens

REBECCA F. LUBENS
Attorneys for Defendant
Lisa C. Berry

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18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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20 Dated: June 12, 2009

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Hon. Magistrate Judge Howard R. Lloyd